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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 20, 2001
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. David McCann, Westwood Presbyterian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of November 6, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

YOUTH SERVICE

Wichita's Promise – Youth Community Service Awards were presented.

UNFINISHED BUSINESS

ASBESTOS WASTE

ASBESTOS WASTE DISPOSAL AT THE BROOKS C&D LANDFILL (District VI)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 01-1219A

At the regular meeting of November 6, 2001, the City Council discussed if the City should undertake the additional (new) requirements of the Kansas Department of Health and Environment (KDHE) in order for the City to accept friable asbestos at the Brooks Construction and Demolition (C&D) Landfill. At that time the Council deferred the item to allow Staff to meet with interested parties and to contact KDHE to ask for reconsideration of its latest decision regarding friable asbestos.

Staff has meet with asbestos abatement contractors, a representative with the USD 259 building consultants, Sedgwick County staff, the City's contractor at Brooks (Herzog Environmental Inc.) and, with KDHE staff. Based on these meetings, the following can be concluded:

- KDHE is adamant that a fully separate mono-fill will be required for friable asbestos per state regulations. This requirement will apply to all C&D landfills.
- Presently the cost of asbestos disposal constitutes approximately 2% of the total costs for asbestos abatement. Not having a local disposal site would increase the disposal costs to as much as 15% of the total costs.
- Not having a local disposal site may lead to illegal dumping of this material by some abatement contractors and/or facility owners.

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USD 259 anticipates letting a large asbestos abatement contract in 2002, and additional contracts in future years.

The City can potentially benefit from disposal revenues from abatements jobs outside of Sedgwick County if the City provides a local disposal site and is successful in getting this business.

The City's contractor, Herzog Environmental Inc., is willing to invest additional money to have a mono-fill for asbestos designed and permitted to more precisely know what their costs will be if this material is accepted.

The City has two options. The first is to abandon any consideration of taking friable asbestos. This option has the advantage of simplifying site operations, but also precludes the potential revenue from this waste stream and also potentially increases the cost of asbestos abatement for local entities including USD 259.

The second option is for the City and our contractor to continue to explore this concept. To do this, Herzog would invest additional money for design work and an additional permit modification. Once completed the cost of accepting this waste will be better known.

Herzog has agreed to proceed with the design and permitting of a separate asbestos mono-fill, in accordance with KDHE requirements, at their own expense. Once the costs associated with accepting friable asbestos are known, an asbestos disposal-tipping fee will be established.

The City of Wichita is not under any obligation to provide a disposal site for friable asbestos waste.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that Staff be directed to work with the C&D landfill Contract operator, Herzog Environmental, Inc., to design and apply for a permit modification for the site to allow for the disposal of asbestos in a separate mono-fill. Motion carried 7 to 0.

-- carried

NEW BUSINESS

COX MACHINE

PUBLIC HEARING AND TAX EXEMPTION REQUEST – COX MACHINE, INC. (District V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1273.

Cox Machine, Inc., is a manufacturer of small parts for the aerospace industry. Cox Machine has undertaken several comprehensive expansion projects that have resulted in continuous growth in sales. As a result of increase in sales, Cox Machine has expanded its manufacturing capacity, which includes construction of a new facility in the amount of \$1,554,788, and the purchase of new equipment in the amount of \$435,104. Cox Machine is now requesting approval of an Economic Development Tax Exemption on new construction and manufacturing equipment, in conjunction with the expansion project.

Cox Machine was founded in 1954 and was located at 3431 West 10th Street in northwest Wichita. As the business grew and required additional space, Cox Machine purchased property at 5920 W. 21st. The company has now outgrown this facility, which resulted in the need to construct a new 36,000 s.f. facility located at 5338 W. 21st N. in northwest Wichita. In 1995, the City Council granted Cox Machine an ad valorem tax exemption on an expansion project consisting of the construction of a building addition and the purchase of machinery and equipment. On 1998, City Council also granted a tax exemption on additional construction improvements and machinery and equipment.

Cox is engaged in the manufacture of high quality small parts for the aerospace industry. Cox has a CDC milling department that uses CAD programs, which optimize programming capabilities. Cox also

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has a grinding department that offers thread grinding and includes centerless as well as cylindrical grinding. Customers include Raytheon, Boeing, Bombardier, Cessna, Northrop, Vickers Electromech, and the U.S. Government among others. Cox Machine exports 96% of all production out of Kansas.

Staff conducted a site-monitoring visit on March 21, 2001, and as a result of the 1998 expansion Cox Machine had increased employment by 6 employees and was in compliance with all the terms and conditions under which the City granted the exemption. Cox Machine currently has 38 employees and projects to add an additional 14 employees.

Under the City's Business Incentives Policy, Cox Machine is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
28.5%	New Job Creation:	Cox Machine will create at least 14 new jobs.
25.5%	Capital Improvements	Cox Machine will invest at least \$1,989,892.
54.0%	Sub Total Business – Incentive Eligibility (Maximum allowed is 50%)	
48.0%	Export Premium	Cox Machine exports 96.0% of its product outside Kansas
48.0%	Sub Total - Export Premium (Maximum allowed is 50%)	
98.0%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Cox Machine is eligible for a 98% tax exemption for five years on real and personal property and for a 49% exemption on real property only for a second five years, subject to City Council Review. A notice of public hearing has been published. Cox has agreed to comply with the conditions set forth in the Business Incentive Policy.

The estimated first year taxes on Cox Machine's proposed \$1,989,892 expansion would be \$40,995 on real property improvements, and \$9,831 on personal property, based on the 2001 mill levy. Using the allowable tax exemption of 98 percent, the City would be exempting (for the first year) \$50,826 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$14,810; County/State - \$14,215; and USD 259 - \$21,801.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.04 to one
Sedgwick County	1.78 to one
USD 259	2.62 to one
State of Kansas	2.55 to one

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed and first reading of the Ordinance granting a 98% tax exemption on the identified real and personal property improvements for a five year term, and a 49% exemption on real property only, for a further five-year period, subject to City Council review, be approved. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Cox Machine, Inc., so exempted, introduced and under the rules laid over.

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RAND GRAPHICS

PUBLIC HEARING AND ISSUANCE FOR INDUSTRIAL REVENUE BONDS - RAND GRAPHICS, INC. (Districts IV and V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No 01-1274.

On March 27, 2001, City Council approved a Letter of Intent to issue IRBs in the amount not-to-exceed \$10,000,000, for a four-year term, and approved a 100% five-plus-five year property tax abatement to Rand Graphics, Inc. The bond proceeds will be used to acquire additional machinery and equipment to be located in Rand's two printing plants at 2820 South Hoover and 500 South Florence. The company is requesting issuance of IRBs at this time, in the amount of \$4,300,000.

Rand is a graphics arts and commercial print and screen products manufacturing company. Rand offers full creation and production and fulfillment services to its customers as well as complete finishing operations. Much of Rand's recent growth has come from its screen-printing division. Among other items, Rand manufactures large and small banners and life size point of sale displays. Customers include Chevron, Hallmark, Inc., Chrysler Corporation, Apple Computer, WalMart, and Nabisco. Rand exports over 80% of its products outside the State of Kansas.

Rand Graphics, Inc. currently employs 188 people at its Wichita facilities. Current expansion plans for Rand, forecasts an increase in employment at the Wichita facility of approximately 32 people over the next five years.

Rand has a current approved EEO/AA Plan on file with the City's Purchasing Department.

Bond proceeds are estimated to be used as follows:

USES OF FUNDS

New Machinery Equipment	\$4,298,556
Cost of Issuance	1,444
Total Cost of Project:	\$4,300,000

Rand Graphics plans to privately place the bonds with a local financial institution. The firm Triplett, Woolf & Garretson, L.L.C., Law Firm will serve as bond counsel in the transaction. Rand Graphics, Inc., has complied with the City requirement contained in the Standard Letter of Intent Conditions.

Rand Graphics, Inc. agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project.

Over the term of the requested abatement, the amount of taxes abated on the proposed \$4,300,000 are estimated to be \$28,890 on personal property, based on the 2001 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$28,890 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$8,418; County/State - \$8,080; and USD 259 - \$12,392.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Gale moved that the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in the amount of \$4,300,000 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of \$4,300,000 for the purpose of providing funds to purchase and install certain machinery and equipment in a commercial printing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust indenture by and between the City and First National Bank of Hutchinson, Hutchinson, Kansas, as trustee, with respect to the bonds; prescribing the form and authorizing the execution of a lease agreement by and between Rand Graphics, Inc., and the City; prescribing the form and authorizing the execution of an easement and agreement by and between Rand Graphics, Inc., and the City; approving the form of a guaranty agreement by and between Rand Graphics, Inc., and the trustee; approving the form of an individual guaranty agreement by and between Ralph Vautravers and Randy Vautravers, as individual guarantors, and the trustee; and authorizing the execution of a bond placement agreement by and between the City, Rand Graphics, Inc., the individual guarantors, and Emprise Bank, Wichita, Kansas, as purchaser of the bonds, introduced and under the rules laid over.

ZTM, INC.

PUBLIC HEARING AND TAX EXEMPTION REQUEST - ZTM, INC. (District III)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1275.

On December 19, 2000, City Council approved 98% ad valorem tax exemption to ZTM, Inc for an expansion that included acquisition of an existing facility and purchase of new manufacturing equipment. ZTM, Inc., (ZTM) located at 4011 E. 31st S. in southeast Wichita, was locally formed in 1996. ZTM is a manufacturer of large, complex precision machine parts and assemblies for the aerospace industry. ZTM has experienced rapid growth in sales and production since its inception. As a result of continuous growth in sales, ZTM has expanded its manufacturing capacity by purchasing new manufacturing equipment in the amount of \$743,920. ZTM is now requesting approval of an Economic Development Tax Exemption on the new manufacturing equipment, in conjunction with the expansion project.

ZTM mills close-tolerance component aircraft parts in support of Wichita's major aircraft manufacturers. ZTM has assembled an impressive and efficient array of equipment, including 3-axis and 4-axis machines. The current equipment includes a long-travel machine with 20-foot capacity, and will allow ZTM to meet the industries most rigorous product specifications. ZTM also performs tooling and prototype work for the aircraft industry. ZTM utilizes sophisticated computer-controlled manufacturing equipment for their precise milling work.

Staff conducted a site monitoring visit on October 25, 2001, and as a result of the 2000 expansion ZTM had increased employment by 12 employees and was in compliance with all the terms and conditions under which the City granted the exemption. ZTM currently employs 46 employees and projects to add an additional 4 new jobs over the next five years.

ZTM's major customers include Boeing Wichita and Boeing Seattle. ZTM exports 100% of all production of out Kansas.

Under the City's Business Incentives Policy, ZTM, Inc. is eligible for the following:

TAX EXEMPTION ELIGIBILITY		
ELIGIBLE %	INCENTIVE	EXPLANATION
12.0%	New Job Creation:	ZTM will create at least 4 new jobs.
12.5%	Capital Improvements:	ZTM will invest at least \$743,920.
24.5%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
50.0%	Export Premium:	ZTM exports 100% of its product outside Kansas.
50.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
74.5%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

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ZTM is eligible for 74.5% tax exemption for a five-year term on new personal property. A notice of public hearing has been published. ZTM has agreed to comply with the conditions set forth in the Business Incentive Policy.

The estimated first year taxes on the proposed \$743,920 expansion would be \$11,770 on personal property, based on the 2001 mill levy. Using the allowable tax exemption of 74.5 percent, the City would be exempting (for the first year) \$11,770 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$3,729; County/State - \$3,585; and USD 259 - \$4,456.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	3.23 to one
Sedgwick County	2.56 to one
USD 259	2.89 to one
State of Kansas	1.79 to one

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Lambke moved that the public hearing be closed and first reading of the Ordinance granting a 74.5% tax exemption on the identified personal property improvements for a five year term, be approved.

-- carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of ZTM, Inc., so exempted, introduced and under the rules laid over.

LEGISLATIVE PROG. 2002 LEGISLATIVE PROGRAM.

Mike Taylor

Intergovernmental Relations Director reviewed the Item.

Agenda Report No. 01-1276.

The process of drafting the 2002 Legislative Program began in August when requests for proposed legislation were distributed to City Council Members, Department Heads, and District Advisory Boards. Discussions have also taken place with Sedgwick County, Regional Economic Area Partnership, League of Kansas Municipalities, Kansas Association of Counties, USD 259, Chamber of Commerce, Independent Business Association, legislators and others, to identify and prepare for issues which are likely to be considered in the 2002 Legislative Session.

The program is divided into the following issue sections:

- (1) Taxes and Finance
- (2) Health and Environment
- (3) Transportation
- (4) Public Safety
- (5) Community Development
- (6) Local Government Administration
- (7) Home Rule
- (8) Federal Issues

The proposed 2002 Legislative program contains general policy positions on a variety of issues, allowing the City to respond to specific bills and proposals within an established policy framework. The forthcoming session of the Kansas Legislature will, most likely, be dominated by budget and financial issues. From comments being made by legislative leadership, there may be efforts to gain

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redirect funding now earmarked for local governments and targeted programs. Protecting these sources of funding and preserving the Constitutional Right of Home Rule (and local control) must be the City's major focus along with other important issues identified by the City Council. Therefore, requests for new legislative initiatives by the City are, out of necessity, being kept to a minimum in forthcoming session.

Position statements and proposals in the 2002 Legislative Program will provide the City the legal authority to enhance and improve government operations and services for the public.

Any number of legislative actions can impact City finances and municipal services/programs. The 2002 Legislative Program is designed to help the City maintain or improve its ability to control the financing of local government services to best serve the citizens of Wichita.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the 2002 Legislative Program be approved. Motion carried 7 to 0.

SALES TAX BOND

LOCAL SALES TAX BOND ISSUE.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 01-1277.

Voters approved a one percent sales tax in 1985 to reduce property tax and to provide revenues for a roadway construction program, with special emphasis on freeway construction. The City has completed the construction of the K-96/Northeast Expressway, reconstruction of major portions of the Kellogg/US-54 from Oliver (East) to Ridge (West), as well as supporting approximately \$4 - \$6 million in annual arterial road and bridge construction using local sales tax dollars, federal and state highway funding and bonding.

In 1992 and 1996, the City issued \$50 million and \$25 million in General Obligation Sales Tax Bonds to supplement current sales tax revenues in financing the freeway construction program. A Financial Feasibility Study approved by the City Council is required prior to the issuance of any general obligation bonds demonstrating that revenue received from the a countrywide or local sales tax would be sufficient to retire such bonds. A Financial Feasibility Study was prepared in 1992 and updated in 1996.

The City is also required to certify that if additional bonds are issued pledging sales tax revenues that certain parity tests are met. The pledged revenues generated by the sales tax for a twelve (12) month period preceding the issuance of the bonds shall be in an amount equal to at least 125% of the total combined average annual debt service requirements for all ensuing years on the outstanding bonds and proposed parity bonds.

Freeway construction projections through the year 2002 will require the City to issue additional sales tax bonds in the amount of \$46 million to continue the reconstruction of Kellogg/US-54 in the east and west. Finance and Public Works staff has developed the expenditure requirements through 2020. Finance staff has prepared the revenue forecast, cash flows, debt service and bond sizing analysis. A Financial Feasibility Study has been prepared demonstrating the ability to meet the debt service parity requirements as well as continue the development of the Kellogg corridor to the West (Maize Road) and to the East (Webb Road).

Fifteen-year bonds (equal principal and interest payments) will be issued while maintaining a cash balance reserve of \$5 million a year. The City will also continue to contribute \$6 million of local sales tax to arterials and bridges (Capital Improvement Program).

The bonds will be sold on January 15, 2002 in combination with the semi-annual general obligation note and bond sale.

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The Financial Feasibility Study supports a finding that the 50 percent of the Local Sales Tax for roadway purposes is more than sufficient to finance the \$46 million bond issue, continue to cover debt service payments from previous issues and continuation of \$6 million a year funding for arterials.

The Law Department has approved the resolution. The resolution will be published twice in the City's official newspaper and will be subjected to a 30-day protest period. The Department of Finance has prepared the Financial Feasibility Study for approval.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Financial Feasibility Study be approved and filed; and Resolution to issue an additional amount of bonds totaling \$46 million be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-468

A Resolution of the City of Wichita, Kansas, declaring it to be necessary to issue General Obligation Bonds, in an amount not to exceed \$46,000,000, for the purpose of paying the costs on constructing roads, highways and bridges in the City, and to pledge sales tax revenues for the payment of such General Obligation Bonds, as provided by K.S.A. 12-195b, and providing for the giving of notice thereof in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(This Item was taken up later in the meeting; Item is shown in agenda order.)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report 01-1278.

On September 25, 2001 a report was submitted with respect to the dangerous and unsafe conditions on eight (8) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 10:30 a.m. on November 20, 2001.

On September 10, 2001, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

	<u>Address</u>	<u>District</u>
1.	1325 North Main	VI
2.	233 North Spruce	I
3.	546 North Grove	I
4.	Garage at 11th and Estelle	1
5.	2717 East Shadybrook	1
6.	2608 East Stadium	I
7.	2625 North Hillside	1
8.	3815 East Pawnee	III

Pursuant to State Statute the Resolutions were duly published twice on September 26, 2001 and August 3, 2001. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared except for Item No. 8.

Motion --

Knight moved that for Items Nos. 1 through 7, the public hearing be closed, the Resolutions declaring the structure (with the understanding that consideration be given to try to save the structure at each step of the way), as dangerous and unsafe be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as November 20, 2001; (2) the structure(s) has/have been secured as of November 20, 2001, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of November 20, 2001, and will be so maintained during renovation. Motion carried

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-- carried

7 to 0.

RESOLUTION No. 01-482

A Resolution finding that the structure/s located on commonly known as 1325 North Main, Lots 1220 and 1222 on Main Street in Bush's Addition to the City of Wichita Sedgwick County, Kansas, is/are unsafe or dangerous and directing that the structure/s to be removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-483

A Resolution finding that the structure/s located on commonly known as 233 North Spruce, Lot 12, Spruce Avenue, Park Place Addition to the City of Wichita Sedgwick County, Kansas, is/are unsafe or dangerous and directing that the structure/s to be removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-484

A Resolution finding that the structure/s located on commonly known as 546 North Grove, Lots 26 and 28 on Stites, Now Grove, Mossman's Second Addition to the City of Wichita Sedgwick County, Kansas, is/are unsafe or dangerous and directing that the structure/s to be removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION No. 01-485

A Resolution finding that the structure/s located on commonly known as Garage at Estelle and 11th Street, Lots 98 and 100, on Mable Avenue now Estelle Avenue, in Fairmount Park Addition to the City of Wichita Sedgwick County, Kansas, is/are unsafe or dangerous and directing that the structure/s to be removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-486

A Resolution finding that the structure/s located on commonly known as 2717 East Shadybrook, Lot 2 Block 12, Shadybrook Addition to the City of Wichita Sedgwick County, Kansas, is/are unsafe or dangerous and directing that the structure/s to be removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-487

A Resolution finding that the structure/s located on commonly known as 2608 East Stadium the west 44 feet of Lot 26 and the east 32 feet of Lot 27, Block 4, Shadybrook Addition to the City of Wichita Sedgwick County, Kansas, is/are unsafe or dangerous and directing that the structure/s to be removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-488

A Resolution finding that the structure/s located on commonly known as 2625 North Hillside, the south 95 feet of Lot 1, Block 1, E.A. Fisher's Addition to the City of Wichita Sedgwick County, Kansas, is/are unsafe or dangerous and directing that the structure/s to be removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

3815 East Pawnee.

Kurt Schroeder

Superintendent of Central Inspection said the new owners of the property have cleaned the premises and the structure has been secured. Taxes are paid current. Sixty-days are recommended to complete exterior repairs.

Motion --

Knight moved that the public hearing be closed on Item No. 8, the Resolutions declaring the structure (with the understanding that consideration be given to try to save the structure at each step of the way), as dangerous and unsafe be adopted; and the staff recommendation of 60 days to complete exterior repairs be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as November 20, 2001; (2) the structure(s) has/have been secured as November 20, 2001, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of November 20, 2001, and will be so maintained during renovation.

-- carried

Motion carried 7 to 0.

RESOLUTION NO. 01-489

A Resolution finding that the structure/s located on commonly known as 3815 East Pawnee, Lot 4, Block C, Planeview Subdivision No. 1, being a subdivision in Section 2, Township 28 South, Range 1 east of the 6th P.M., Sedgwick County, Kansas, is/are unsafe or dangerous and directing that the structure/s to be removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ANGLE PARKING

REVIEW OF ANGLE PARKING: EATON BLOCK.

Terry Cassady

Development Assistance Director reviewed the Item.

Agenda Report No. 01-1279.

MetroPlains Development, the Eaton Place developer, requested that the City implement one-hour restricted angle parking along the south side of the 500 block of East Douglas Avenue. The purpose of the change was to provide more parking spaces than were currently available with parallel parking to serve commercial businesses located in the renovated Eaton Hotel block. The angle parking configuration produced 22 spaces in lieu of the 9 parallel stalls. The City Council approved MetroPlains' request on a six-month trial basis beginning on January 2001.

There are currently three commercial businesses located in Eaton Place. Additional leases have been negotiated for tenant occupancy in the near future. According to MetroPlains Development, access to these parking spaces continues to be critical both as a leasing tool and a service to customers of the commercial spaces in Eaton Place. The psychology of retailing is that customers choose to shop where they can park as close to the door as possible. This amenity, which is usually only possible in small centers such as Eaton Place, is a requirement of prospective tenants. Because not all of the tenant spaces have been leased, it is difficult to determine the full impact of angle parking in this locale. It is proposed that angle parking in this block (south side) be continued for another 12-months to fully evaluate the impact of having the retail space fully leased and served, OR, until such time as additional parking in this area becomes available.

According to the Wichita Police Department, there has been no significant change in the number of traffic accidents in the 500 block of East Douglas Avenue over the past three years that can be

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attributed to the angle parking. The area analyzed included the 400 and 500 blocks of East Douglas including the intersections of Douglas/Emporia and Douglas/St. Francis. The 400 block was included in the analysis as this is the block where eastbound traffic merges into the center lane in order to avoid vehicles parked in the angle parking stalls. Accident summaries were compiled for the years 1998 through 2001. Total accidents in these areas for 1998 were 24; 1999 were 15; 2000 were 11 (no parallel parking was available due to Eaton block construction); and for 2001 (through October 1, 2001) were 20.

Challenges cited with the angle parking include the directional striping on eastbound Douglas at Emporia which indicates that vehicular traffic proceeding through the Douglas/Emporia intersection must merge to the center lane to avoid vehicles parking in the angle stalls. One of the problems is that many drivers fail to merge into the center lane; instead they continue eastbound through the Douglas/Emporia intersection creating two driving lanes where only one exists. This can potentially cause problems with vehicles backing out of the angle parking stalls on the south side of Douglas. Improved directional striping could ease this problem.

No financial considerations exist for the City unless the directional striping on Douglas is repainted.

The City Council has the legal authority to determine parking configurations in the city.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that one-hour restricted angle parking on the south side of Douglas be continued for 12-months, OR until additional parking becomes available in this area. Motion carried 7 to 0.

SIDEWALK CAFÉ

SIDEWALK CAFÉ GUIDELINES.

Terry Cassidy

Development Assistance Director reviewed the Item.

Agenda Report No. 01-1280.

Many cities enhance the ambiance and viability of their downtown and entertainment districts by encouraging sidewalk café dining. With an increased emphasis on revitalizing downtown and focusing on creating livable urban areas, providing opportunities for citizens to enjoy outdoor dining helps bring vitality to the area. Over the recent past, the City of Wichita has also received requests from downtown businesses to offer sidewalk dining for their patrons.

The Sidewalk Café Standards and Procedures were developed based on requirements used by other cities that have many years of experience with sidewalk dining. These guidelines were designed to be simple and uncomplicated for both the business owner and the City. The permit process will be handled through the City Engineer's Office in a similar manner to minor street permit applications.

Staff recommends that the City determine the furniture style(s) for the various downtown areas. This will ensure that only high quality furniture that is compatible to the various areas be allowed. Old Town and Delano cafes might have the same style of furniture while the furniture style for downtown cafes is suggested to be the same as the furniture in Reflection Square Park. Businesses that wanted to offer sidewalk dining would be required to order the furniture and accessories that were preapproved by the City. With the preferential pricing that the City should be able to negotiate with the vendor, this approach should save the businesses money on their furniture.

Pre-approval of furniture styles will also streamline the application process for businesses as the need for Historic Preservation Board reviews will be eliminated. The Historic Preservation Board would only need to approve the furniture once for each of the three areas rather than each time a business applied for a permit and was required to seek approval for their furniture.

There are no financial obligations to the City as the result of adopting the Sidewalk Café Standards and Procedures. Businesses who obtain permits will pay an annual permit fee equal to \$36 per seat, per location. The minimum annual permit fee per location is \$100.00 and the maximum is \$360.00.

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The Law Department has determined that there is nothing in state law to prevent the licensing and operations of sidewalk cafes, to include the sale of alcohol. The ordinance changes proposed were prepared by the Law Department to establish authority for this licensing and operation, and integrate this addition with existing City sidewalk use controls.

Gary Rebenstorf Director of Law, responding to questions, explained that the City has Ordinances in place to keep consumption of alcohol from being done in unlawful areas. The City also has distance requirements for consumption of alcohol.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Gale moved that the Sidewalk Café Standards and Procedures be adopted; the Ordinance be placed on
-- carried first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 10.04.131 and creating Sections 10.04.132, 10.04.133, 10.04.134 and 10.04.135 of the Code of the City of Wichita, Kansas, pertaining to permits and repealing the original of Section 10.04.131 of the Code of the City of Wichita, introduced and under the rules laid over.

HUD SECTION 108 ORDINANCE TO AUTHORIZE HUD SECTION 108 LOAN PROGRAM AND NOTE

ISSUANCE.

Tom Smith Grants-in-Aid Coordinator reviewed the Item.

Agenda Report No. 01-1281.

Previously, the City Council authorized the submission of a \$1 million dollar HUD Economic Development Initiatives grant application. On February 9, 1999, the City Council approved the submission of an application to the U. S. Department of Housing and Urban Development (HUD) for a \$3 million dollar Section 108 Loan Guarantee for the Business Assistance Program which included CDBG funding. HUD has approved the City's Section 108 Loan Guarantee and the Economic Development Initiatives (EDI) applications.

The purpose of the Business Assistance Program is to provide HUD Section 108 loans linked to private bank loans, creating a below market interest rate loan opportunity for qualified, eligible, small businesses (both existing and new) within the Neighborhood Revitalization Strategy Areas. The City is leveraging EDI funds three to one with HUD Section 108 Loan Guarantee funds and CDBG funds to provide total City funding of \$4.067 million. Private financial institutions have committed to match City Section 108 funding on approximately a two to one basis by providing up to \$6 million dollars in private loan funds resulting in a total loan pool of \$9 million dollars (not counting \$1.067 million for loan loss reserves, technical assistance, and interest payments).

Three sets of legal documents will be required to implement the Business Assistance Program. The Level 1 documents are between the City and HUD to provide Section 108 Loan Guarantee and Economic Development Initiative funds. Staff have also prepared drafts of Level 2 agreements between the City and participating lenders/SBA which have been circulated for comment and should be substantially finalized prior to passage of the authorizing ordinance. Finally, Level 3 agreements between the City and a local economic development agency will be prepared consistent with the general authority expressed in the ordinance. Agreements will be developed with technical assistance providers. Additional, separate sets of loan documents will be used to document the loan made to each Business Borrower.

The ordinance authorizes the City to execute a contract for loan guarantee assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, in connection with the financing of a portion of the loans extended to qualified eligible small businesses within the City's Neighborhood Revitalization Strategy Areas ("Business Borrowers"), under the City's Business

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Assistance Program. The ordinance also authorizes the execution of a HUD variable/fixed rate note in the maximum aggregate principal amount of \$3,000,000 in connection with such financing; pledges CDBG grant funds and other security to secure the United States Department of Housing and Urban Development's guaranty of such note; approves the form of an amended and restated Master Fiscal Agency Agreement dated May 17, 2000, and a Trust Agreement dated January 1, 1995, as supplemented and amended; authorizes appropriate cooperative agreements between the City and the Small Business Administration ("SBA"), for support of loans to Business Borrowers and sharing of collateral; authorizes appropriate cooperative agreements between the City and Banks extending SBA-guaranteed loans, for the initiation of loans to Business Borrowers, and sharing of collateral; authorizing the execution and/or acceptance of loan and Security Agreements to secure repayment of loans made to Business Borrowers; authorizes an arrangement between the City and South Central Kansas Economic Development District ("SCKEDD"), concerning certain functions in the initiation and servicing of loans to Business Borrowers to be performed by SCKEDD on behalf of the City; and designating Commerce Bank, N.A., as custodian of Section 108 accounts and security documents required by the HUD contract for Section 108 loan guarantee assistance.

HUD has approved the Section 108 Loan Guarantee funds in the amount of \$3 million dollars to serve as a portion of the loan pool. Private lenders have committed \$6 million dollars to the loan pool. EDI funds will serve as the loan loss reserve to protect the City's Section 108 loans, pay a portion of the interest on the Section 108 loan on behalf of borrowers and provide technical assistance to borrowers. CDBG funds in the amount of \$67,500 have been approved for interest rate buy down. Given the current very low interest rates, staff recommends the use of \$20,000 of the CDBG funds for technical assistance for borrowers.

In the event there is a default, to the extent the loan cannot be repaid from loan collateral and EDI loan loss reserves, the HUD Section 108 loan repayments will be automatically recovered by HUD from the City's next CDBG allocation. The City must pledge its future CDBG allocations as collateral for the Section 108 loans. There is no requirement for local matching funds.

Upon passage of the ordinance, the City will have met the requirements necessary to execute the Section 108 Contract for Loan Guarantee Assistance and EDI funding agreements.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the HUD Section 108 Contract for Loan Guarantee Assistance and EDI Funding Agreements be approved; the CDBG budget transfer and necessary signatures be authorized; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance of the city of Wichita, Kansas (the "City"), authorizing the execution of a contract for loan guarantee assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, in connection with the financing of a portion of the loans extended to qualified eligible small businesses within the City's Neighborhood Revitalization Strategy Areas ("business borrowers"), under the City's business assistance program; authorizing the execution, of a variable/fixed rate note(s) in the maximum aggregate principal amount of \$3,000,000 in connection with such financing; pledging grant funds and other security to secure the United States Department of Housing and Urban Development's guaranty of such note; approving the form of an amended and restated master fiscal agency Agreement dated as of May 17, 2000, and a certain Trust Agreement dated as of January 1, 1995, as supplemented and amended; authorizing appropriate co-guaranty Agreements between the City and the Small Business Administration ("SBA"), for support of loans to business borrowers and sharing of collateral; authorizing appropriate cooperative agreements between the City and banks extending SBA-guaranteed loans, for the initiation of loans to business borrowers and sharing of collateral; authorizing the execution and/or acceptance of loan and security agreements to secure repayment of loans made to business borrowers; authorizing an arrangement between the city and south central Kansas Economic Development District ("SCKEDD"), concerning certain functions

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in the initiation and servicing of loans to business borrowers to be performed by SCKEDD on behalf of the city; and designating Commerce Bank, N.A., as custodian of certain accounts and security documents required by the contract for loan guarantee assistance., introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS:

- Motion -- Lambke appointed Helen Parli and Sara Bagby (Library), Phil Bloomquist (Health), John Rogers (Health), Colleen Craig (Park), and Lonnie Wright (Plumbers and Gas Fitters); and moved that the appointments be approved. Motion carried 7 to 0.
- carried
- Motion -- Knight appointed Kay Johnson (Solid Waste Management Committee) and Dan Jones (Housing) and moved that the appointments be approved. Motion carried 7 to 0.
- carried

PROCLAMATIONS

PROCLAMATIONS:

- Motion -- carried Knight moved that the Proclamations be authorized. Motion carried 7 to 0.12. Proclamations:

TRAVEL APPROVAL APPROVAL OF MAYOR KNIGHT'S TRAVEL TO NATIONAL CLUSTER STUDY CONFERENCE IN WASHINGTON D.C., DECEMBER 12-14, 2001.

- Motion -- carried Pisciotte moved that the expenditures be authorized. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Items 23g and 25a, except Item 39a, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 19, 2001.

Bids were opened November 9th and 16th, 2001, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Seneca, from 100 feet north of the centerline of Maple to the south line of 3rd Street - south of Central, west of Arkansas River. (472-82966/448-89631 /706747/631846/208228/544232) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Pavers, Inc. - \$2,417,513.00

Lateral 57, Main 3, Southwest Interceptor to serve Vilm Gardens Addition - west of Seneca, south of MacArthur. (468-83344/743895/480583) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

H D Mills & Sons - \$1,850.00

19th Street North from the east line of Vinegate to the west line of 19th Street Court North; Churchill from the east line of Frederic to the east line of Lot 5, Block 1; and Frederic/Red Oaks from the south line of Lot 24, Block 6, to the north line of Churchill. Sidewalk along the north side of 19th Street North

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from Vinegate to Frederic; the south side of 19th Street North from Frederic to 19th Court North; and on the east side of Frederic from 19th Street North to the south line of Lot 28, Block 7 to serve Remington Place Addition - east of Webb, south of 21st Street North. (472-83375/765698 /490809) Does not affect existing traffic; AND Storm Water Drain No.165 to serve Remington Place Addition - east of Webb, south of 21st Street North. (468-83252/751302/485193) Does not affect existing traffic. (District II)

Kansas Paving Company - \$425,285.00 (Total aggregate bid)

2001 Contract Maintenance Preparatory Curb & Gutter and Miscellaneous Street Repairs - north of 47th Street South, east of 135th Street West. (472-83428/132710/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V and VI)

Barkley Construction - \$171,900.00 (Engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Elevator Modernization at McLean Manor. (097817)

River City Elevator LLC - \$97,000.00 (Lump sum total)

FINANCE DEPARTMENT/DATA CENTER DIVISION: Lan Analyzer - Sniffer Upgrade and Support. (035105)

Data Link Corporation - \$17,527.10 (Total net bid)

WICHITA TRANSIT DEPARTMENT: Security Services for the Downtown Transit Center. (160002)

Wolf Investigations - \$10.29 (Total net bid/per hour)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Concrete Pathways Improvements. (785022)

Helmerts Construction - \$17,964.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: (Salt Brine System: Slip-In Application, Storage Tank & Production System. (132209)

Spray Specialties, Inc. - \$50,302.00 (Group 2/total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: 48-Inch Ductile Iron Pipe. (181222)

American Cast Iron Pipe Company - \$10,800.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Traffic Signal Heads. (132217)

Gades Sales Co., Inc. - \$39,280.00 (Total net bid)

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PARK DEPARTMENT/RECREATION DIVISION: Mobile Bleachers. (785020)

Bergfeld Recreation - \$26,580.00 (Base bid total)
Included (Option 1/total)
\$ 2,340.00 (Option 3/total)

PARK & RECREATION DEPARTMENT/MAINTENANCE DIVISION: Street Poles, Hardware & Lamps. (172015)

Stanion Wholesale Electric - \$22,420.80*
*Corrected total to add \$2,242.08 for one each of items 1-5

FINANCE DEPARTMENT/TREASURY-EXPRESS DIVISION: Upgrade for Remittance Processor (Cooperative Agreement - State of Kansas Contract). (633743)

Compaq Computers - \$15,232.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Doug E. Beckham	Lenora's Place	1528 S. Washington
Stan Shhuer	Tex Consolver Golf Course*	1931 South Tyler Road
Mary T. Villan	Ol Mexico*	6140 East 21st Street
Latif Abdelmaseh	Abram Café*	6249 East 21st Street #108
Warren Kent Myer	Sim Park Golf Course*	2020 West Murdock
		<u>(Consumption off Premises)</u>
John J. Leeker	Checker's K-15	1915 East Pawnee
John G. Wylie	Hello CSS #122	550 North Webb Road
John G. Harmon	Casey's General Store #1860	5562 South Seneca

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

a) Improving 21st Street North from 200 meters west of C.L. 119th Street West to 382.274 meters west of C.L. Maize Road - west of Maize Road at 21st Street North. (87 N-0189-01/472-83138/7-6814). Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 03/20/2001

Motion -- carried

Knight moved that plans and specifications be approved and advertised for bids to be submitted to the Board of Bids by 10:00 a.m., January 8, 2002.

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Richmond Circle from the south line of 44th Street South to and including the cul-de-sac in Legacy 2nd Addition; and temporary cul-de-sac on 44th Street South at the west line of Legacy 2nd Addition to serve Legacy 2nd Addition - west of Meridian, north of 44th Street South. (472-83422/765703/490814) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$85,000
- b) Lateral 474, Southwest Interceptor Sewer to serve Legacy 2nd Addition - west of Meridian, north of 44th Street South. (468-83321/743888/480576) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$87,000
- c) Water distribution system to serve Legacy 2nd Addition - west of Meridian, north of 44th Street South. (448-89616/735030/470700) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$21,000
- d) Planeview Sewer Relocation 31st Street South and Oliver - 31st Street South and Oliver. (468-83177/622230/640338) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$99,671.00
- e) 2001 Planeview Sanitary Sewer Reconstruction Phase 3 - north of 31st Street South, west of Oliver. (468-83337/622235/641343) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$61,937.00
- f) Churchill Circle from the south line of Lot 24, Block 2, to the west line of Lot 34, Block 2; and Churchill Court serving Lots 27 through 31, Block 2, from the north line of Churchill Circle to and including the cul-de-sac to serve Wilson Farms Second Addition - south of 21st Street North, west of Webb. (472-83245/765704/490815) Does not affect existing traffic. (District II) - \$92,400.00
- g) Lateral 34, Main 1, Cowskin Interceptor Sewer to serve Mel Hambelton Addition - east of 119th Street West, south of Kellogg. (468-83268/743893/480581) Does not affect existing traffic. (District V) - \$66,000.00
- h) Water distribution system to serve Mel Hambelton Addition - east of 119th Street West, south of Kellogg. (448-89622/735031/470701) Does not affect existing traffic. (District V) - \$74,000.00
- i) 1999 Water Main Replacement Program Shadybrook Neighborhood - (west of Hillside between 17th Street North and 21st Street North. (448-89415/636093/779173) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$2,125,200.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Drainage Easement dated October 23, 2001 from East 21st Development Venture, a Joint Venture, for a tract of land in Lots 29 and 30, Block 2, Regency Lakes, an Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA# 607861). No cost to City.
- b) Utility Easement dated October 16, 2001 from Rocky Creek, LLC, for tracts of land in Lots 55, 56, 57, 58, 59, 60, 61, 62 and 63, Block 6, Rocky Creek Addition, an addition to Wichita, Sedgwick County, Kansas (Rocky Creek, OCA# 743886). No cost to City.
- c) Water Easement dated October 16, 2001 from Mobile Manor, Inc., for a tract of land in Lot 1, Mobile Manor South Addition, Wichita, Sedgwick County, Kansas (606PPW, OCA# 607853). No cost to City.

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d) Utility Easement dated October 11, 2001 from KCBB, Inc., a Kansas Corporation, for a tract of land in Lot 3, Block A, Timber grove Lakes 2nd Addition, Wichita, Sedgwick County, Kansas (838 PPW, OCA# 607853). No cost to City.

e) Sanitary Sewer Easement dated October 29, 2001 from Keith Stoneking for a tract of land in Lot 2, Block E, Vilm Gardens 2nd Addition, Wichita, Sedgwick County, Kansas (Lat57, M3, SWI, OCA# 743895). No cost to City.

f) Dedication dated October 12, 2001, from Unified School District No. 259, Sedgwick County, Kansas for a tract of land in the NW 1/4 of Section 13, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (9th & Oliver, Adams Elementary, OCA# 132001). No cost to City.

g) Storm Water Sewer Agreement dated November 5, 2001 from The Quarters at Cambridge, L.P., for connection to a storm sewer system located in Hanly Second Addition, Wichita, Sedgwick County, Kansas (19th/Remington, OCA# 765698). No cost to City.

Motion -- carried Knight moved that the documents be received and filed; and the necessary signatures be authorized.

COST STATEMENTS STATEMENTS OF COST:

a) (First Partial) Estimate of Cost for Kellogg/Woodlawn Freeway Improvements - \$8,400,000; less financing previously issued - \$0.00. Financing to be issued at this time - \$8,400,000. (700773/401-212).

b) (First Partial) Estimate of Cost for Kellogg/Woodlawn/Magdelan Improvements - \$10,600,000; less financing previously issued - \$0.00. Financing to be issued at this time - \$10,600,000. (701235/401-215).

c) (First Partial) Estimate of Cost for Kellogg/Rock Road Freeway Improvements - \$3,300,000; less financing previously issued - \$0.00. Financing to be issued at this time - \$3,300,000. (700757/401-311).

d) (First Partial) Estimate of Cost for Kellogg/Webb-K96 Freeway Improvements - \$5,700,000; less financing previously issued - \$0.00. Financing to be issued at this time - \$5,700,000. (702019/401-400).

e) (First Partial) Estimate of Cost for Kellogg/Tyler Freeway Improvements - \$18,000,000; less financing previously issued - \$0.00. Financing to be issued at this time - \$18,000,000. (700906/400-200).

Motion -- carried Knight moved that Statements of Cost be received and filed. Motion carried 7 to 0.

SANITARY SEWER PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF WEST KELLOGG POWER CENTER ADDITION - NORTH OF KELLOGG, WEST OF HOOVER. (District V)

Agenda Report No. 01-1282.

The Petition has been signed by three owners, representing 100% of the improvement district.

This project will extend sanitary sewer service to a commercial development on the north side of Kellogg, west of Hoover.

The Petition totals \$14,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

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Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted.

RESOLUTION NO. 01-469

Resolution of findings of advisability and Resolution authorizing construction of Lateral 62, Main 4, Southwest Interceptor Sewer (north of Kellogg, west of Hoover) 468-83363, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE SANDWEDGE

PETITION TO PAVE SANDWEDGE IN AUBURN HILLS 11TH ADDITION - EAST OF 151ST STREET WEST, NORTH OF KELLOGG. (District V)

Agenda Report No. 01-1283.

On July 24, 2001, the City council approve a Petition to pave Sandwedge Circle. The developers have submitted a new Petition to modify the improvement district. The signatures on the new Petition represent 100% of the improvement district.

Sandwedge Circle provides paved access to Auburn Hills 11th Addition, a new residential development located east of 151st Street West, north of Kellogg.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted.

RESOLUTION NO. 01-470.

A Resolution amending Resolution No. 01-307 pertaining to the improving of Sandwedge Circle from the westerly line of Lot 4, Block B, east to and including the cul-de-sac (east of 151st Street West, north of Kellogg) Project No. 472-83403, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

EQUESTRIAN EST/

PETITIONS FOR STREET PAVING PROJECTS TO SERVE EQUESTRIAN ESTATES ADDITION - EAST OF 127TH STREET EAST, SOUTH OF HARRY. (District II)

Agenda Report No. 01-1284.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide street paving for a new residential development located east of 127th Street East, south of Harry.

The Petitions total \$805,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

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Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted.

RESOLUTION NO. 01-471

Resolution of findings of advisability and Resolution authorizing improving of Harry Street at triple Crown consisting of a left turn lane (east of 127th Street East, south of Harry) 472-83429, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-472

Resolution of findings of advisability and Resolution authorizing improving of Triple Crown from the south line of said Addition to the east line of Lot 12, Block 6, on Mustang Street, Mustang Court and Mustang Circle adjacent to Lots 24-through 44, Block 2, on Equestrian Circle adjacent to lots 45 through 54, Block 2, on Equestrian Street, Equestrian Circle and Equestrian Court adjacent to Lots 16 through 30, Block 6 and on Horseback from the south line of said Addition to the south line of Stampede. Sidewalk along one side of Triple Crown and on one side of Horseback. Drainage to be installed where necessary. A temporary cul-de-sac to be installed on Horseback (east of 127th Street East, south of Harry) 472-83430, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

LEGACY

PETITIONS FOR STREET PAVING, SANITARY SEWER, STORM DRAIN AND WATER DISTRIBUTIONS SYSTEMS TO SERVE THE LEGACY ADDITION - WEST OF MERIDIAN, AT 44TH STREET SOUTH. (District IV)

Agenda Report No. 01-1285.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, storm drain and water service to a new residential development.

The Petitions total \$516,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted.

RESOLUTION NO. 01-473

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89630 (west of Meridian, at 44th Street South) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-474

Resolution of findings of advisability and Resolution authorizing construction of Lateral 481, Southwest Interceptor Sewer (west of Meridian, at 44th Street South) 468-83350, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-476

Resolution of findings of advisability and Resolution authorizing improving of St. Paul//43rd Street south from the south line of Lot 52, Block 2, to the west line of Lot 18, Block 8 The Legacy. St. Paul Circle from the north line of St. Paul to and including the cul-de-sac serving Lots 54 through 60, Block 2, The Legacy. 43rd Street Court South from the north line of 43rd Street South to and including the cul-de-sac servings Lots 61 through 66, Block 2, The Legacy. Sidewalk on the south and east side of St. Paul/43rd Street South from the south line of Lot 52, Block 2 to the west line of Lot 18, Block 8, (west of Meridian, at 44th Street South) 472-83340, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ROCKY CREEK

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF ROCKY CREEK ADDITION - NORTH OF 13TH STREET, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 01-1286.

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new residential development.

The Petition totals \$52,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted.

RESOLUTION NO. 01-477

Resolution of findings of advisability and Resolution authorizing construction of Lateral 324, Four Mile Creek Sewer (north of 13th, east of 127th Street East) 468-83346, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

FINANCIAL REPORT

QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2001.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

CLAIMS RESOLVED

REPORT ON CLAIMS ALLOWED - OCTOBER 2001:

The following claims were approved for payment by the Law Department during the month of October, 2001.

<u>Name of Claimant</u>	<u>Amount</u>
Harrison, Randall J.	\$ 916.88
Kansas Gas Service	\$ 369.77**

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Kansas Gas Service	\$ 430.78
McNew, Janis C.	<u>\$1,150.00**</u>
Total	\$2,867.43

** Settled for lesser amount than claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

SPECIALS

AGREEMENTS TO RESPREAD SPECIALS – AUBURN HILLS TWELFTH ADDITION- ALONG 135TH STREET WEST, SOUTH OF MAPLE. (District V)

Agenda Report No. 01-1287.

The developers, West Wichita Development, Inc. and Casado-McKay Construction, L.L.C., has submitted two Agreements to respread special assessments within Auburn Hills 12th Addition.

The land was originally included in several improvement districts. The purpose of the Agreements is to respread special assessments to more fairly distribute the cost of the improvements.

There is no cost to the City.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONS. GRANT

LAND AND WATER CONSERVATION GRANT.

Agenda Report No. 01-1288.

On April 24, 2001, the City Council approved an application to the 23b Kansas Department of Wildlife and Parks (KDWP) for Land and Water Conservation grant funding to construct soccer fields on City-held property at 33rd & Ohio, with the intent of using the funding to leverage local dollars already committed to the project.

On September 17, 2001, the City was advised by KDWP of an award in the amount of \$80,706 from the Land and Water Conservation Fund (LWCF). The grant was/is awarded on a reimbursable basis, with reimbursement contingent upon the signing of a contract with the granting agency. Grant funds will provide for electrical service installation, topsoil hauling, till and grade, grass sprigging, the purchase of soccer goals, and the purchase of bleachers.

Products and services earmarked for purchase from LWCF grant funding are fully reimbursable.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SETTLEMENTS

DISPUTE RESOLUTION AGREEMENT - GILBERT & MOSLEY.

Agenda Report No. 01-1289.

On April 23, 1991, The City of Wichita and the Coleman Company, Inc., (Coleman) entered into an agreement for Coleman to fund the initial environmental investigation costs for the Gilbert & Mosley site. The Agreement provided that Coleman would contribute its fair share of the total costs of the investigation and remediation of the site once these were determined. Finally, the Agreement set forth an arbitration process, in the event that the City and Coleman could not reach agreement on the portion of the costs to be allocated to Coleman. That arbitration procedure has been invoked, and representatives for the City, Coleman, and the President of WSU have interviewed and selected a qualified dispute resolution officer.

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Under the Dispute Resolution Agreement, the City and Coleman will jointly retain the services of Alberto A. Gutierrez through Geolex, Inc. Mr. Gutierrez will hear and determine any unresolved disputes between the City and Coleman in the Gilbert & Mosley site in accordance with the City/Coleman Agreement.

The City will be responsible for 50% of the not-to-exceed fees and expenses of \$165,000. The City's portion will be paid out of budgeted Gilbert & Mosley TIF funds.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

IMLA/ASCAP

IMLA/ASCAP LICENSING AGREEMENT.

Agenda Report No. 01-1290.

The federal copyright laws establish property rights in musical works and grant creators and owners the exclusive right to perform or authorize public performances. The City, like any other entity or person, needs permission from the copyright owner to perform or authorize performance of the musical works. The owner has a right to be paid for the use of his or her property. Accordingly, the City needs a license to play copyrighted musical works.

The American Society of Composers, Authors and Publishers (ASCAP) represent 8 million music works and 110,000 composers, musicians, and 60 affiliated societies worldwide. Over the years, ASCAP handled licenses with cities on a piece-meal basis. A city paid for a separate license each time copyrighted musical works were used for public performances, resulting in multiple licenses with different due dates and fee arrangements. If a city did not get a license, and ASCAP learned of the infringement, they would sue for copyright violations where damages could be assessed from \$750 to \$30,000 per infringement.

The International Municipal Lawyers Association (IMLA) established a committee to negotiate a comprehensive license agreement with ASCAP that would serve the needs of cities in an economical fashion and help cities deal with ASCAP on a fair and across-the-board basis. After a year of negotiations, a standard license agreement was developed that provides simple, fast and affordable access to the ASCAP musical works.

The agreement grants a license to the City for public performances of music compositions on City property and at City functions and events at other locations sponsored by the City. Covered are live performances, recorded performances, (CDs, tapes, radio and television over loudspeakers), and music over the telephone while a person is on hold. Public performances on City property include: City buildings, airports, athletic facilities, and recreational facilities such as community centers, parks, swimming pools and skating rinks. City functions and events include: aerobics and exercise classes, dances, social events, concerts, festivals, arts and craft fairs, and parades.

For cities that execute the licensing agreement prior to January 15, 2002, ASCAP has agreed to waive any claims for copyright infringement for unauthorized public performances that occurred prior to the effective date of the License Agreement.

The license agreement provides for a base annual fee, with the amount determined by population. The 2001-2002 fee for the City of Wichita is \$2,200 and would be paid from funds for public relations. Fees for 2003 and beyond are adjusted from the original fee by the current Consumer Price Index (CPI). For a special event that grosses revenue over \$25,000, there is a separate license fee of 1% of the gross. The fee arrangement keeps the annual fee low. Only if the City has a major event, is the special event fee paid.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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ENCROACHMENT

EASEMENT ENCROACHMENT AGREEMENT. (District II)

Agenda Report No. 01-1291.

The agreement allows Steve and Jane Hipp to occupy and construct for 8812 Churchill Circle, improvements on, over, and across the aforesaid public easement described as a 20 ft. easement centered along the westerly lot line of Lot 4, Block 3, Wilson Farms Second Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be a concrete air conditioning pad to extend three feet into the easement on the above mentioned property.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

ENCROACHMENT

EASEMENT ENCROACHMENT AGREEMENT. (District IV)

Agenda Report No. 01-1292.

The Agreement allows Ramona Cadmus at 2810 W. 11th Street North to occupy improvements on, over, and across the aforesaid public easement described as a 20 ft. easement centered along the east line of a tract known as the West 150 feet of Lot 5, Orié Johnson's Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is an existing carport which encroaches 6.6 feet into the easement described above.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

(Addendum Item #23g)

ENCROACHMENT

DRAINAGE EASEMENT ENCROACHMENT AGREEMENT - 820 NORTH LINDEN (District II)

Agenda Report No. 01-1328.

In 1986, Council approved the final plat of Woodland Estates Addition. Subsequent to that approval, in December of 1986, the developers granted unto the City a drainage easement, 15 feet in total width, between Lots 4 and 5, Block 2. A 36-inch diameter storm drain was constructed in said easement. On December 13, 1988, the City entered into an agreement with the owners of the property allowing them to construct a breezeway over a portion of this easement connecting the house to a garage.

The current owners of the property now wish to construct additional improvements to their backyard which would result in adding a patio area and steps in a portion of the easement not covered by the original agreement. In return for the City allowing this construction, they are willing to enter into the agreement by which they are accepting all responsibility for maintaining that portion of the storm sewer located under their improvements, and holding the City harmless from all damages that could result from their use of the easement.

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There are no financial implications to the City by the approval of this agreement.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **AGREEMENT FOR DESIGN SERVICES FOR WILSON FARMS SECOND ADDITION - SOUTH OF 21ST STREET, WEST OF WEBB.** (District II)

Agenda Report No. 01-1293.

The City Council approved the project on July 18, 2000.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Wilson Farms 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$16,780, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

U.S. 54 **CONTRACT AMENDMENT – CONSULTANT SERVICES FOR ACQUISITION AND RELOCATION: U.S.54 (KELLOGG).** (Districts II and V)

Agenda Report No.01-1294.

In 1999, the City entered into a contract with Land Acquisitions, Inc. (LAI) to provide acquisition and relocation assistance on interchange projects on Kellogg Avenue. The contract provided for a fixed cost per activity with a maximum contract amount of \$225,000 with an amended contract end date of December 31, 2001. Acquisition and relocation for the Kellogg/Woodlawn and Kellogg/Tyler and Maize projects are largely completed. Cost to date is \$186,103. Documents required to initiate active acquisition for the Kellogg/Rock Road Interchange project will be completed by the end of November.

The remaining approved funding and term of the current contract are not sufficient to allow initiation of acquisitions and relocations for the Kellogg/Rock Road Interchange project. LAI has agreed to extend the contract through December 31, 2003. The maximum contract amount would be increased to \$325,000. Per tract acquisition and commercial relocation costs are increased 6%. Per tract costs for appraisals, review appraisals, sign valuations, residential relocations and personal property relocations are unchanged. This extension and increase will allow timely completion of the Kellogg/Rock Road Interchange project.

Funding is available within the project budget to fund the proposed increase. Project costs will be funded with local sales tax revenues.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR GATEWAY CENTER ADDITION - SOUTH OF 13TH STREET, EAST OF GREENWICH.** (District II)

Agenda Report No. 01-1295.

The City Council approved the project on March 27, 2001. On April 17, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The

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Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in The Gateway Center Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$26,000 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT CONSTRUCTION ENGINEERING FOR LANDSCAPING AT INTERSECTION OF CENTRAL AND RIDGE ROAD. (District V)

Agenda Report No. 01-1296.

On March 24, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for designing improvements to the intersection of Central and Ridge Road. The fee was \$113,400. The Design Agreement with SRB requires SRB to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and SRB provides for construction engineering for the landscaping at the intersection of Central and Ridge Road.. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$5,500 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

RIVERBANK PEDESTRIAN BRIDGES. (District I)

Agenda Report No. 01-1297.

The 2002 Core Area Capital Improvement Program includes funds for constructing two cable-stayed pedestrian bridges linking the Keeper of the Plains to both the east and west banks of the river, crossing the Arkansas and Little Arkansas Rivers (CA-9213). The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared.

The proposed improvements are intended to provide a pedestrian-friendly environment that captures the inherent qualities of the river without sacrificing physical comfort.

The estimated project cost is \$5,300,000, with \$1,500,000 paid by Federal Funds and \$3,800,000 by the City. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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REAP

ASSESSMENT FOR CONSULTANT FEES REQUESTED FROM THE REGIONAL ECONOMIC AREA PARTNERSHIP (REAP).

Agenda Report 01-1298.

The REAP Legislative Committee's 2001 work plan included reviewing and recommending designation of Metropolitan Statistical Areas (MSA) due to imminent revisions in the wake of the 2000 census. According to the new regulations from the Office of Management and Budget (OMB), Harvey County will not qualify for inclusion in the Wichita MSA based on the 2000 census figures. The proposed Wichita MSA will include Butler, Sumner, and Sedgwick Counties.

Losing Harvey County from the MSA will diminish the Wichita Metropolitan Statistical Area possibly causing site selectors and businesses considering locating in south central Kansas to question future economic development and growth of the area. The inclusion of Harvey County in the Wichita MSA will increase overall population to 571,166 or 6.1 percent, giving prospects more confidence in locating in the area.

Newton and Harvey County officials are working with a Washington D.C. law firm that employs former Senator Bob Dole to obtain legal consultation services to keep Harvey County in the Wichita MSA. Since Harvey County was included by congressional action, it is felt there is a strong argument that it can only be removed by congressional action, not administrative regulations.

Consultation services are estimated to cost \$45,000. Of that amount, the REAP membership has approved a Special Assessment to members in Butler, Sedgwick and Sumner Counties covering one-third of the cost, or \$15,000. Assessments among the designated REAP members are based on population and a \$100 baseline cost.

Wichita's portion is 60.06 percent of the total REAP special assessment, or \$7,608.

The use of consultants for specific projects is within the powers of REAP under the Interlocal Agreement. This project is within the scope of powers granted to REAP. While the special assessment is outside the annual fee assessment for the REAP budget, REAP may authorize a request for additional voluntary funding for specific projects from its members.

Motion -- carried

Knight moved that the City's participation be approved. Motion carried 7 to 0.

(Addendum Item# 25A)

UTILITY REV. BONDS WATER AND SEWER SYSTEM UTILITY REFUNDING REVENUE BONDS, SERIES 2001.

Agenda Report No. 01-1327.

On October 16, 2001, the City Council designated George K. Baum to serve as lead underwriter in a possible current refunding of Water & Sewer revenue bonds. Since that date, staff has worked to finalize a plan of financing for the proposed refunding in consultation with Bond Counsel and the designated lead underwriter.

The plan of financing for the proposed current refunding includes the marketing of the 1993A Water & Sewer Revenue Bonds. George K. Baum will act as the leading underwriter for the refunding bonds that have a current principal amount estimated at \$16,525,000.

The estimated principal amount for the refunding bonds is based on the most recent analyses of the savings that could be obtained given current market conditions. These analyses have continued to be performed as the scheduled marketing date approached. The refunding bonds were scheduled to be marketed on Monday, November 19, 2001. The refunding was marketed in Kansas City with George K. Baum taking orders for bonds from syndicate members and other brokerage houses with offices in Wichita.

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Based on current analyses by the underwriters, it is estimated that issuance of the 2001 Water & Sewer Refunding Bonds will result in gross savings of approximately \$1.36 million. In this case, the present value savings are estimated to be 8.2% of the amount of bonds being refunded.

Bond Counsel has drafted the bond ordinance needed to execute the issuance of the refunding bonds. Counsel for the underwriters has drawn up bond purchase agreements for the sale of the bonds to the underwriters as well as the official statement.

Motion --

-- carried

Knight moved that the Bond Purchase Agreement and Declaration of Emergency be approved; the necessary signatures be authorized; and the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

ORDINANCE NO. 45-144

An Ordinance of the City of Wichita, Kansas, authorizing and providing for the payment by refunding of certain of the City's Outstanding Water and Sewer Utility Refunding and Improvement Revenue Bonds, Series A, 1993; authorizing the call for redemption prior to maturity of certain of the Outstanding Series A, 1993 Bonds; authorizing and providing for the sale and issuance of \$16,495,000 aggregate principal amount of Water and Sewer Utility Refunding Revenue Bonds, Series 2001, for the purpose of providing for the refunding and payment of certain of the Series A, 1993 Bonds; prescribing the form and details of the Series 2001 Bonds; providing for the collection, segregation and application of the Revenues of the Utility for the purposes authorized by law, and making certain covenants and Agreements with respect thereto; and authorizing and providing for the execution and delivery of certain Agreements and supporting documents. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

KOCH IRB

PURCHASE OPTION - KOCH INDUSTRIES, INC. (District I)

Agenda Report No. 01-1299.

On January 8, 1991, the City Council approved the issuance of \$50,000,000 in Industrial Revenue Bonds, Series I, 1991. Bond proceeds were used for the purpose of purchasing, acquiring, constructing, and installing a new office facility to be leased to and operated by Koch Industries, Inc., located at 4111 East 37th Street North. The bonds are secured, in part, by a Lease Agreement with Koch Industries, Inc. ("Tenant").

The City received notice from the Tenant of a request to call outstanding bonds and of the company's intention to exercise its purchase option on or before December 31, 2001.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for the bond series, the Tenant, has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City of Wichita received a notice from INTRUST Bank, Trustee for the bond issue that the bonds were paid in full as of January 31, 2001. The City received a check in the sum of \$100 from Koch Industries, Inc., on November 8, 2001, representing the purchase price for the facility.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Special Warranty Deed, Bill of Sale, and Termination of Lease.

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Motion --
-- carried

Knight moved that the Resolution approving the Special Warranty Deed, Bill of Sale, and Termination of Lease Agreement be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-478

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Koch Industries, Inc. and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STERLING POINTE IRB

EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - STERLING POINTE APARTMENTS. (District IV)

Agenda Report No. 01-1300.

On June 5, 2001, City Council approved a six-month Letter of Intent for Industrial Revenue bonds to Fore Properties, L.L.C., a Michigan - based apartment developer, in an amount not-to-exceed \$6,100,000. The proceeds of the proposed bonds will be used to finance the cost of acquiring land, constructing and equipping a 120-unit Residential Housing Project for Wichita senior citizens, to be known as Sterling Pointe Apartments. The new senior housing complex will be located near Douglas Avenue and Mt. Carmel Street in west Wichita. The company has made significant progress toward development of the housing complex; however, it does not appear that the project will be complete by the time the Letter of Intent will expire. The company is now requesting an extension of an additional six-months of the Letter of Intent until June 5, 2002.

Sterling Pointe Apartments will be a three-story, elevator-equipped apartment building containing 120 independent rental-housing units, of which 60 units will be one-bedroom apartments and 60 units will be two-bedroom apartments. The proposed project is designed for active elderly persons. In addition to the resident's own fully equipped apartment, the project will also contain common space such as a community room, hair salon, exercise room, arts and craft room, lounge areas, library, non-commercial kitchen with dinning room and a big screen television/activity room. Sterling Pointe will also have a mail and laundry room as well. Sterling Pointe plans to hire four individuals to operate the facility.

The Bonds will be privately placed with an institutional investor. Sterling Pointe agrees to comply with the Standard Conditions contained in the City's IRB Policy.

There is no financial impact on the City resulting from the requested extension.

Motion --
-- carried

Knight moved that the extension of the IRB Letter of Intent to Fore Properties, L.L.C., for a six-month period, ending June 5, 2002, be approved. Motion carried 7 to 0.

BOMBARDIER IRB

EXTENSION OF LETTERS OF INTENT - BOMBARDIER LEARJET, INC. (District V)

Agenda Report No. 01-1301.

On September 10, 1996, City Council approved a Letter of Intent for Industrial Revenue Bonds to Learjet, Inc. (Bombardier Learjet) in an amount not-to-exceed \$86 million, over a five-year period, and 100% five-plus-five year ad valorem property tax exemption on all bond-financed property. Bond sale proceeds will be used to construct new buildings, renovate existing buildings and purchase machinery and equipment to modernize its Wichita manufacturing and office facilities located at One Learjet Way (formerly Harry Street) located near the intersection of Kellogg and Tyler Road in west Wichita. Under authority of the 1996 Letter of Intent, City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet in the amount of \$12.2 million in 1996; \$9.5 million in 1997; \$5.7 million in 1998, and \$6.8 million in 1999. On September 10, 2001, the Letter of Intent expired. To expend the remaining balance of \$35.1 million under the original Letter of Intent, the company is requesting a

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reinstatement and an extension of an additional three-years of the Letter of Intent until December 31, 2004.

Bond proceeds continue to be used to finance the expansion and upgrading of facilities accommodating increased personnel and space required to develop and produce four of Bombardier's business jet aircraft: the Learjet 31A, the Learjet 60, the Learjet 45, and the new Continental Jet.

Since City Council approval of the 1996 IRB Letter of Intent, Bombardier Learjet has added approximately 1,000 new jobs, compared to the 300 new jobs projected in 1996.

There is no financial impact on the City resulting from the requested extension.

Motion --
-- carried

Knight moved that the reinstatement and extension of the IRB Letter of Intent to Bombardier Learjet Inc., for a three-year period, ending December 31, 2004, be approved. Motion carried 7 to 0.

WATER MAINS

INSTALLATION OF WATER MAINS IN 37TH STREET NORTH BETWEEN AMIDON AND ARKANSAS OVER THE LITTLE ARKANSAS RIVER. (District VI)

Agenda Report No. 01-1302.

On January 25, 2000, the City Council approved \$170,000 for the installation of water mains in 37th Street North between Amidon and Arkansas over the Little Arkansas River. This will provide additional water pressure and volume to the area west of the Little Arkansas River and to the northerly portion of the Water Utility system. Additionally, it will provide increased fire protection and provide for development and growth of the area.

The original estimate was \$220,000 which is available in the CIP. When the project appeared before City Council, the estimate was \$170,000 so that amount was submitted for approval. An additional \$15,000 will now be required for a total cost of \$185,000 which is still less than the original estimate of \$220,000.

CIP W-560, 37th Between Amidon and Arkansas, has adequate funds. The CIP budget will not be impacted by the increase in funding.

City Council approval is required for all CIP expenditures.

Motion -- carried

Knight moved that the expenditure be approved. Motion carried 7 to 0.

WATER MAINS

WATER MAIN IN SENECA, KELLOGG TO MCLEAN. (Districts IV and VI)

Agenda Report No. 01-1303.

On January 6, 1998, the City Council approved \$140,000 to reconstruct the water main in Seneca from Kellogg to McLean Blvd (CIP W-232) in conjunction with paving projects.

The water main is old and a portion of it is undersized. Replacement of the main will help to avoid future repair costs and improve the flow characteristics. Public Works is now ready to proceed with the project.

In 1998 the project was budgeted for \$290,600 of which over \$10,000 has been spent for design. The project costs are now estimated at \$450,000. The required \$159,400 will be transferred from Unidentified Mains (W-65) to Seneca-Kellogg to McLean (W-232), so the total CIP budget will not change.

At the time the project was initiated, one Resolution and Notice of Intent were required to initiate all projects for the entire year. Bond Counsel now recommends that a Resolution and Notice of Intent be submitted separately for each project.

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Motion --
-- carried

Knight moved that project expenditures be approved, the CIP be modified; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-479

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which not exceed \$450,000, exclusive the cost of interest or borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SEWER SERVICE APP. APPLICATION FOR CITY SEWER SERVICE OUTSIDE CORPORATE LIMITS. (District IV)

Agenda Report No. 01-1304.

E.B. Investment, LLC, is submitting the Application for property commonly described as 4340 S. West Street. The property owner consents to and requests annexation into the City in order to connect to city sewer. The property is adjacent to the City limits on the south and west sides. Following approval by City Council, the Planning Department may proceed with annexation.

There are no financial considerations.

Motion --
-- carried

Knight moved that the application be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HOMELESS SHELTER HOMELESS EMERGENCY SHELTER FUNDING. (District VI)

Agenda Report No. 01-1305.

The City's 2001 budget includes an appropriation for services for the homeless. For several years funding has been allocated for an overflow shelter to assist in meeting shelter emergencies during cold weather conditions. The Community Council on Homeless Advocacy (CCHA) and the Inter-Faith Ministries have requested \$10,400 for partial funding of the 2001-2002 winter overflow shelter. A like amount has been requested from each of the County and United Way.

The Winter Overflow Shelter has operated for several years from December 1 through February 28 to provide shelter to those in need of emergency overnight shelter due to cold weather conditions. These individuals are persons who usually do not seek assistance from traditional shelters. This emergency shelter service is housed for two-week periods at several downtown churches. The emergency shelter program provides services from 6:00 p.m. until 6:45 a.m. Residents are given beds and are provided an evening meal and breakfast, usually by the host or affiliated congregation.

Efforts are also made to refer the participants in the program to other mainline services in the community.

Statistics from the 2000-2001 overflow shelter indicate that a total of 529 persons received at least one night of shelter, with an average of 62 persons per night, but as many as 109 persons on a given night. The shelter has traditionally opened on December 1 and run through February 28, the coldest months of the year. It is proposed this year to operate the shelter for an additional 20 days. The additional shelter days, a requested raise for the shelter staff position, and a request for \$1,850 to purchase new cots, has increased the request from \$7,500 to \$10,400 from each of the funding partners.

Staff has reviewed the cost components of the requested budget and determined that the actual direct cost is \$150 per day. The Housing Staff is not recommending additional administrative fees associated

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with the shelter operation for the additional 20 days. Additional funds for the cots were not recommended due to funding approved last year for cot replacements.

The total proposed budget for the Overflow Shelter program is \$31,200. Not including the \$1,850 for the cots, this request represents an increase of \$6,850, or approximately 30% over previous years' funding. The City, Sedgwick County, and United Way have each been requested to provide \$10,400. The participating churches will provide additional in-kind resources, primarily facilities and food.

The request has been presented to the United Way of the Plains allocations committee, which approved funding of \$7,500. If the City and County wish to fund the additional days at \$150 per day, the amount needed for 20 days would be \$3,000 divided by the two local governments, resulting in a total of \$9,000 from each governmental unit. The funding would come from the amount currently budgeted for homeless services in the general fund.

A contract will be executed between the City and Inter-Faith Ministries of Wichita, Inc.

Motion --
-- carried

Knight moved that funding for the overflow shelter up to the amount of \$9,000, contingent upon similar funding from Sedgwick County, be approved.

WORK PROGRAM

UNIFIED PLANNING WORK PROGRAM FOR FISCAL YEAR 2002.

Agenda Report No. 01-1306.

The United States Department of Transportation (DOT) stipulates that a UPWP must accompany the Planning Department's annual application for federal funding. After the UPWP is approved by various officials and agencies, it will be used as the authorization document for making applications for funds to support our local transportation planning programs.

A resolution to authorize the Director of the MAPD to make applications for federal funds up to a total of \$695,733 is also being presented for approval.

Federal funds being requested will provide funding for 7.75 full-time equivalent staff positions plus miscellaneous expenses, which will allow the MAPD to continue to evaluate the feasibility of short and long-range transportation options and to develop strategies for implementing elements of the Transportation Plan. This will allow the City of Wichita to continue receiving federal and state construction and operating funds for implementing projects and operating Wichita Transit. The Planning Commission will approve the UPWP on November 8, 2001 and the Sedgwick County Commission is scheduled to review the document on November 14, 2001.

The activities described in the UPWP are funded from two sources; the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), and is administered through the Kansas Department of Transportation (KDOT). The Planning Department will make available non-federal matching funds in support of the UPWP. The amount of local match (provided as in-kind staff services) required to receive federal assistance is shown below:

Agency	FederalFunds	LocalMatch	FundingRatio	TotalFunds
FHWA / FTA	\$ 695,733	\$ 173,932	80/20	\$ 869,665

Motion --

-- carried

Knight moved that the Resolution authorizing the Director of Planning to submit applications, negotiate Agreements, and execute contracts in support of the UPWP which includes the provision of matching funds (in-kind staff salaries) in support of the UPWP, not to exceed \$173,932, be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 01-481

A Resolution authorizing a conditional use to allow parking, ancillary on property zoned "SF-5" Single-Family Residential, located 200 feet south of 29th Street North approximately 850 feet east of Amidon in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DONATION

DONATION OF SEATS TO ORPHEUM THEATRE.

Agenda Report No. 01-1307.

With remodeling of the City Council Chambers, the auditorium public seating chairs will be removed. These chairs are available for other uses within the City or for sale. It is proposed that the City Council declare these seats to be surplus and available for disposal.

There are approximately 355 seats available for disposal. Possibly some of these seats could be used at various facilities; however, because of the angle leg stands, converting these seats for other uses could be expensive. Estimates given reflect that these seats, because of their nomenclature, may not be a saleable product. Therefore, it is proposed that the seats be donated to the Orpheum Theatre for use to replace some of its seating.

The City Council has the authority to dispose of surplus property.

It is doubtful that these seats will bring anything in the City's auction and would be of better service to the community by the donation to the Orpheum.

Motion -- carried

Knight moved that the donation be approved. Motion carried 7 to 0.

CONDEM. PAYMENT PAYMENT OF CONDEMNATION AWARD TO ACQUIRE PROPERTY IN CONNECTION WITH EAST KELLOGG IMPROVEMENTS. (District II)

Agenda Report No. 01-1308.

Authorize payment to the Clerk of the District Court of the appraisers' award for the acquisition of two tracts of land in connection with planned improvements to East Kellogg from Edgemoor to Rock Road, together with related costs and fees.

Earlier this year the Council authorized the acquisition by eminent domain of two tracts of land along East Kellogg in connection with the project to improve the highway. The court appointed appraisers have filed their report of the value of the two tracts. The award for Tract 162 (W.R. Azim Living Trust-7092 E. Kellogg) is \$500,000. The award for Tract 164 (East Kellogg Plaza Assoc.-7300 E. Kellogg) is \$4,200,000.

In order for the City to obtain title to these tracts of land it must pay the amount of the award, together with costs and appraisers' fees, into the Clerk of the District Court on or before December 3, 2001. Acquisition of both of these tracts is necessary in order for the City to have the required right-of-way to construct the planned improvements to East Kellogg.

The cost of acquiring this property will be paid out of the highway improvement project.

In order to acquire the tracts, it is necessary to pay the award, together with court costs and fees, to the Clerk of the District Court on or before December 3, 2001.

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Motion --

Knight moved that payment to the Clerk of the District Court of the appraisers' award in the amount of \$4,700,000, together with the related costs and fees of \$9,101.00, for acquisition of these two tracts in connection with the East Kellogg improvements be authorized. Motion carried 7 to 0.

-- carried

PROPERTY ACQ.

PARTIAL ACQUISITION OF 339 NORTH SENECA. (District IV)

Agenda Report No. 01-1309.

The City Council on August 7, 2001, approved funding to improve Seneca between Maple and McLean Boulevard. The project requires the partial acquisition of three parcels for construction of street paving, medians, sidewalks and storm sewer. This tract is part of the property located at 339 N. Seneca, owned by Birthright of Wichita, Inc.

The subject tract contains approximately 50 square feet and will not affect any improvements on the remaining property. The property owner has agreed to accept the City's offer of \$500.00.

A budget of \$1,500 is requested. This includes \$500 for the acquisition, and \$1,000 for title insurance and miscellaneous closing costs. This is the first acquisition for the project leaving two properties to be acquired through negotiations or eminent domain.

Motion --

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

PROPERTY ACQ.

PARTIAL ACQUISITION OF 344 NORTH SENECA. (District IV)

Agenda Report No. 01-1310.

The City Council on August 7, 2001, approved funding to improve Seneca between Maple and McLean Boulevard. The project requires the partial acquisition of three parcels for construction of street paving, medians, sidewalks and storm sewer. This tract is part of the property located at 344 N. Seneca, owned by Henry J. Jacobs Trust.

The subject tract contains approximately 50 square feet and will not affect any improvements on the remaining property. The property owner has agreed to accept the City's offer of \$500.00.

A budget of \$1,500 is requested. This includes \$500 for the acquisition, and \$1,000 for title insurance and miscellaneous closing costs. This is the second acquisition for the project leaving one property to be acquired through negotiations or eminent domain. A total of \$3,000 has been requested for the two acquisitions.

Motion --

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

PROPERTY DISP.

SURPLUS OF PROPERTY LOCATED AT 1945 SOUTH SANTA FE. (District III)

Agenda Report No. 01-1311

The property under consideration is located on the Northwest corner of Santa Fe and Mt. Vernon. It is legally described as Lots 41, 43, 45 and 47, Allen and Smith's Addition. This Fire Department property was built in 1953 as the location of Old Fire Station #6. Most recently, it has been used as the Fire Training Office. This building is 4,029 +- square feet and remains on the site. The site contains approximately 16,755 +- square feet. The Zoning is Two-Family Dwelling use.

All City departments and local government entities have been notified and have shown no interest in the property.

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The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private party will place additional value into the tax base.

Motion --
-- carried

Knight moved that the property be designated as surplus and available for sale to the general public. Motion carried 7 to 0.

PROPERTY DISP.

SALE OF 835 WABASH. (District I)

Agenda Report No. 01-1312.

835 North Wabash is a city-owned single-family housing unit that was part of the Rehabilitation and Investment Program (RIP). The program was implemented to preserve existing housing stock, and to assist citizens in securing employment in the home rehabilitation/construction trade, by providing on-the-job training through DETAMC. The program was funded with CDBG and HOME funds.

Housing Services has received an offer of \$29,500 for the 3-bedromm home, which has 1,280 square feet of living space. The offer is contingent upon the buyer obtaining first mortgage financing and assistance through the City's HOMEownership 80 Program. The buyer has been pre-qualified for his financing.

Following payment of the realtor's commission, payment for a home warranty plan and other costs applicable to the seller, the City will receive approximately \$26,000 in proceeds, depending on inspection and appraisal requirements.

Motion --
-- carried

Knight moved that the sale and Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 01-1313.

On November 5, 2001 the Board of Code Standards (BCSA) held a hearing on the following five (5) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Address</u>	<u>District</u>
1.	4858-60 South Seneca	IV
2.	1647 South Palisade	III
3.	922 North Wichita	VI
4.	1208 North Chautauqua	I
5.	1806 South Seneca	IV

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing Body on January 8, 2002 at 9:30 a.m., or soon thereafter be approved. Motion carried 7 to 0.

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RESOLUTION NO. R-01-463

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: beginning at the southwest corner of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 20, Township 28 South, Range 1, east of the 6th Principal Meridian, Sedgwick County, Kansas, thence north on the Section Line 187 feet, thence east known as 4858-60 South Seneca, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-464

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 25 and 27, on Palisade Avenue in Eureka or Rock Island Addition to Wichita, Sedgwick County, Kansas, known as 1647 South Palisade, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-465

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots Lot 138, Wichita, Street, Munger's Original Town of Wichita, Sedgwick County, Kansas, known as 922 North Wichita, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-466

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 90 and 92, Chautauqua Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas, known as 1208 North Chautauqua, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-467

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 4, West Park Gardens, Sedgwick County, Kansas, known as 1806 South Seneca, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 6, 2001)

(Item 39a)

(Council Member Brewer declared a conflict of interest and abstained from participation.)

Issuance of Industrial Revenue Bonds – The Boeing Company. (District III)

ORDINANCE NO. 45-133

An Ordinance approving and authorizing the execution of a Lease Agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the executive of an Indenture of Trust between said City and BNY Trust Company of Missouri; pledging certain payments under said Lease Agreement and moneys and securities held by the Trustee under the terms of said Indenture of Trust; authorizing and directing the issuance of Industrial Revenue Bonds Series X, 2001 (The Boeing Company Project) of said City in the principal amount of \$84,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of the Boeing Commercial Airplane Group, Wichita Division, a division of the Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the Trustee and the paying agent for said Bonds; authorizing the sale of said bonds and the execution of a Bond Purchase Agreement therefore; approving and authorizing the execution of an Administrative Service Fee Agreement; and authorizing the execution and delivery of certain related instruments, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (Brewer abstained)

- a) Rock Road improvements from 32nd Street North to the K-96 Expressway, and the intersection of 21st Street at Rock Road. (District II)

ORDINANCE NO. 45-134

1. An Ordinance declaring the Intersection of 21st Street North and Rock Road, 472-83438, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-135

2. An Ordinance declaring Rock Road from 32nd Street North to K-96 Expressway, 472-83439, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Amend supplemental Bond Indenture – Presbyterian Manors, Inc.

ORDINANCE NO. 45-136

An Ordinance authorizing the City of Wichita, Kansas to amend the Seventh Supplemental Bond Indenture executed and delivered in connection with the issuance of its Health Care Facilities Refunding Revenue Bonds, Series VIII-A, 2001, Series VIII-B, 2001 (Presbyterian Manors, Inc.) in the aggregate principal amount of \$20,725,000, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- d) Assignment of cable television franchise to Cox Communications Kansas, LLC.

ORDINANCE NO. 45-137

An Ordinance of the City of Wichita consenting to the assignment of the Broadband Communications Network Franchise of CoxCom, Inc. to Cox Communications Kansas, L.L.C., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) ZON2001-00054 – north of Kellogg and east of Tyler Road. (District V)

ORDINANCE NO. 45-139

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00054

- f) ZON2001-00055 – southwest corner of Seneca and Crawford.

ORDINANCE NO. 45-138

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00055

- g) ZON2001-00057 – between Pennsylvania and Hydraulic, North of 2nd Street. (District I)

ORDINANCE NO. 45-142

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00057

- h) ZON2001-00058 – one-half mile North of Pawnee, East of Webb Road. (District II)

ORDINANCE NO. 45-141

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00058

- i) ZON2001-00059 – east side of Chase Street, south of Maple. (District IV)

ORDINANCE NO. 45-140

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00059

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j) A01-18 – Annex sections of Webb Road and 21st Street North rights-of-way.
(Districts II and V)

ORDINANCE NO. 45-143

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A01-18

PLANNING AGENDA

Marvin Krout Director of Planning stated that the Planning Agenda could be considered as consensus, unless the Council desired to withhold Items.

Motion -- carried Knight moved that the Planning Agenda, be approved as consensus Items. Motion carried 7 to 0.

Z-3350, Z-3359, Z-3360 - EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM “SF-6” SINGLE-FAMILY RESIDENTIAL AND “LC” LIMITED COMMERCIAL, GENERALLY LOCATED SOUTH OF MAPLE AND EAST OF RIDGE ROAD. (District V)

Agenda Report No. 01-1314.

On February 8, 2000 and May 2, 2000, the City Council approved zone change requests from “SF-6” Single-Family Residential to “LC” Limited Commercial on properties located south of Maple and east of Ridge. Approval of the zone change requests was subject to the condition of platting the properties within one year. An application to plat the properties was submitted on June 2, 2000; however, the applicant requested several deferrals during the platting process, which prevented completion the plat prior to the deadline. At the request of the applicant, staff approved an extension of time to complete platting to November 2, 2001. The applicant subsequently requested two additional deferrals of the platting process, which prevented completion the plat prior to the extended deadline. The applicant now has requested an additional six-month extension of time to complete platting. MAPC Policy Statement No. 5 indicates that second extensions of time to complete platting require City Council approval.

Motion -- Knight moved that the six-month extension of time to complete platting to May 2, 2002, be approved.
-- carried Motion carried 7 to 0.

VAC2001-00028 - REQUEST TO VACATE A PORTION OF THE PLATTED 20-FOOT UTILITY EASEMENT ON LOTS 14 AND 15, SHERWOOD ESTATES ADDITION, GENERALLY LOCATED SOUTH OF THE NORTH AMIDON AVENUE – 37TH STREET NORTH INTERSECTION. (District VI)

Agenda Report No. 01-1315.

Staff Recommendation: Approve vacation of a portion of the platted 20-foot utility easement on Lots 14 & 15, Sherwood Estates Addition.

MAPC Recommendation: Approve vacation of a portion of the platted 20-foot utility easement on Lots 14 & 15, Sherwood Estates Addition. (unanimous)

The applicant is requesting consideration to vacate a portion of the platted (Sherwood Estates Addition, recorded 07-31-1980) 20-foot utility easement along the rear of the property line for a garage. The

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proposed 24-foot x 36-foot garage will encroach 6 -feet into the 20-foot utility easement for a distance of 24-feet. The applicant proposes to house antique cars in the garage.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00033

VAC2001-00033 - REQUEST TO VACATE RAILROAD EASEMENT, GENERALLY LOCATED SOUTHWEST OF THE 37TH STREET NORTH - WEBB ROAD INTERSECTION.
(District II)

Agenda Report No. 01-1316.

Staff Recommendation: Approve vacation of railroad easement.

MAPC Recommendation: Approve vacation of railroad easement. (unanimous)

The applicants are requesting consideration to vacate portions of platted Railroad Easement along a number of lots in the Comotara Industrial Park 5th Addition. The easement varies in its width from 60- to 20-feet. The easement has not been developed. Other portions of the easement were vacated previously as part of a replat. There is Railroad Easement remaining on 3 lots to the north which has not been vacated. North of 35th Street North there is track owned by the City of Wichita. There are no known plans for the extension of the Rail Road tracks. The Railroad easement is not owned by the or other railroad.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CON2001-00052

CON2001-00052 - CONDITIONAL USE TO ALLOW PARKING, ANCILLARY ON PROPERTY ZONED "SF-5" SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED 200 FEET SOUTH OF 29TH STREET NORTH APPROXIMATELY 850 FEET EAST OF AMIDON. (District VI)

Agenda Report No. 01-1317.

MAPC Recommendation: Approve, subject to conditions (14-0)

DAB Recommendation: Approve, subject to staff recommendations (8-0)

Staff Recommendation: Approve.

The applicants are requesting a "Conditional Use" to allow additional off-street parking on property zoned "SF-5" Single-family located on the southern 100 feet of Lot 3, Gilder's Court. The lot is located on the south side of 29th Street North between Coolidge and Porter, approximately 850 feet east of Amidon. The northern 200 feet of Lot 3 is zoned "LC" Limited Commercial and is the proposed site for a new commercial building for a window and door showroom and office facility.

The site plan shows Lot 3 being developed as a single lot. Parking for customers would be located on the "LC" portion of the lot near 29th Street North and parking for employees would be located on rear of the lot zoned "SF-5". The site plan includes sufficient parking to meet the Unified Zoning Code parking requirements. The loading dock is on the east side of the building, within the "LC" portion of

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the lot. An ample setback of 25 feet is shown around the southern portion of the lot where the property adjoins the "SF-5" property. The screening fence and landscape buffer can be located in this setback.

The surrounding land along 29th Street North is primarily developed with commercial uses between Coolidge and Porter. These include the Rental Ranch, an old Farha grocery store currently occupied by Lowry Electric and Thermal Gard, and a small strip center with a laundromat on the north side of 29th. On the south side, Security Self-Storage (self-service warehouse) occupies most of the block between Amidon and Coolidge. There are still two houses located on the south side of 29th. The Maids uses a converted house/building on the southeast corner of Coolidge and 29th. An old commercial building is located on the southwest corner of Porter and 29th. It has been vacant until recently but appears to be occupied by an upholstery shop. Servicemaster, a business service type of use, is located on the southeast corner of Porter and 29th.

At the District VI Advisory Board meeting held October 1, 2001, the DAB voted (8-0) to recommend approval subject to staff recommendations. No members of the public were present to speak.

At the MAPC meeting held October 11, 2001, MAPC voted (14-0) to approve subject to staff recommendations with additional conditions that light poles and fixtures be limited to 14 feet in height and parking be limited to no later than 10:00 p.m. A representative of a neighbor was present to speak and indicated opposition to changing the use of the southern part of the lot to a commercial building, but this neighbor did not file a protest to the request for ancillary parking.

One protest has been received representing 10.9 percent of the surrounding property.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC, subject to the recommend conditions, be approved; and the Resolution be adopted. Motion carried 7 to 0.

-- carried

RESOLUTION NO 01-481

A Resolution authorizing a conditional use to allow parking, ancillary on property, ancillary on property zoned "SF-5" Single-Family Residential, located 200 feet south of 29th Street North approximately 850 feet east of Amidon in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

HPC2001-00116

HPC2001-00116 - WICHITA REGISTER OF HISTORIC PLACES LANDMARK DESIGNATION FOR NORTH LINWOOD PARK BOUNDED BY HARRY, KANSAS, PARK STREET, AND I-135. (District I)

Agenda Report No. 01-1318.

MAPC Recommendation:	Approve Wichita Landmark Designation (10-0)
HPB Recommendation:	Approve Landmark Designation (7-0)
Staff Recommendation:	Approve Landmark Designation
DAB Recommendation:	Approve Landmark Designation (10-0)
Park Board Recommendation:	Approve Landmark Designation (5-0)

The applicant is requesting the parkland located at 1802 E. Harry be designated as a Wichita Historic Landmark. This land was originally part of the farm and residence of Henry Schweiter. Mr. Schweiter was an early pioneer in this region and a founder of the city of Wichita. The land itself was partially developed as a park by Mr. Schweiter himself and presented to the city and dedicated in 1887. This land has been in continual usage as a park since that time. It contains the only known remaining original section of Chisholm Creek within the city. This project also has the support of the surrounding residences, and is well documented by signed petitions.

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Findings of significance of the Historic Preservation Board are based on evaluation criteria as follows:

- a. Character, interest or value as part of the development, heritage, or cultural characteristics of the City of Wichita, State or United States - The property was originally owned by Henry Schweiter who donated it to the city of Wichita in 1887 as a public park. The longevity of this park creates an anchor for the surrounding residential neighborhood and played a part in the development of that neighborhood.
- b. Embodiment of distinguishing characteristics of an architectural type or specimen – The two existing park structures are eligible in their own right as WPA structures and documentation is being gathered to identify the non-native species introduced in the park by the Schweiter family.
- c. Value as an aspect of community sentiment or public pride - The park plays an integral part in the life of the immediate neighborhood and the community as a whole as evidenced by the petitions in support of designating the park.

At the MAPC hearing on September 20, 2001, one person representing the heirs of Henry Schweiter and two neighborhood advocates spoke in favor of the request. The MAPC voted (10-0) to approve the request as presented by staff.

At the DAB I hearing on October 1, 2001, staff presented the case. The DAB voted (10-0) to approve the request.

At the Park Board meeting on November 5, 2001, staff presented the nomination. Six members of the Historic Preservation Board along with several neighborhood residents were present for the presentation. The Park Board voted unanimously to approve the nomination.

Local landmark designation will require the property owner to have all exterior modifications, alterations and additions of structures in the park, including demolitions, to be reviewed by the Historic Preservation board, except for “emergencies.” The underlying land use for the designated property does not change and local designation does not trigger design review of adjacent properties.

Motion --

Knight moved that Council concur with the findings of the MAPC and approve the Historic Landmark designation; and the Ordinance establishing the zoning change be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance designating as a historic landmark certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010 and Section 2.12.1018, as amended, introduced and under the rules laid over.

A01-21

A01-21- REQUEST TO ANNEX STREET RIGHT-OF-WAY, GENERALLY LOCATED AT RIDGE ROAD. (District V)

Agenda Report No 01-1319.

A street segment is considered for annexation if, based on City policy, it abuts the City for a ½ mile or more on both sides. The Public Works Department of the City of Wichita has identified a segment of Ridge Road that should be annexed and maintained by the City of Wichita.

Ridge Road: From 37th Street North south approximately ½ mile abuts the City on one or both sides. The remainder of the mile segment is already within the City.

The City Public Works Department estimates the annual maintenance cost of the street segment (4-lane arterial) proposed for annexation to be \$9,000 per lane mile. The following shows the estimated annual maintenance cost for this street segment:

<u>Street Segment</u>	<u>Estimated Annual Maintenance Cost</u>
Ridge Road (4-lane)	\$18,000.00

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Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-21

AIRPORT AGENDA

AIRPORT

SUPPLEMENT AGREEMENT NO. 6 - AIRPARTS COMPANY, INC.

Agenda Report No. 01-1320.

This agreement expires December 31, 2001. The space has been leased by Airparts since January 1, 1996, and the tenant has expressed an interest in extending the agreement for one additional year through December 31, 2002. The leased area includes 2,504 sq. ft. of exclusive-use space and 168 sq. ft. of joint-use space. The remainder of the facility, which includes 455 sq. ft. of office space and 9,006 sq. ft. of warehouse space, is leased by Rockwell Collins.

The tenant occupies 2,672 square feet of the subject building, which has a total area of approximately 12,135 square feet. The Martens Companies appraised both the office and warehouse spaces in October of this year. The recommended rate for office space is \$3.02/sq.ft., plus land rent. The land rental rate for the facility will be according to WAA policy, and will escalate 5% from the previous year.

Total annual rent will be \$10,535.27, which represents an 8.6% increase from the previous year.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

SUPPLEMENTAL AGREEMENT NO. 9, OFF-AIRPORT RENTAL CAR AGENCIES.

Agenda Report No. 01-1321.

In 1993, the Wichita Airport Authority entered into agreements with both Enterprise and Thrifty Rental Car agencies to provide off-airport car rental services to travelers using Wichita Mid-Continent Airport. Compensation to the WAA for allowing access to Wichita Mid-Continent Airport is 8% of gross receipts.

Currently there are five rental car operators located in the terminal building: Avis, Budget, Dollar, Hertz and National. Agreements with Enterprise and Thrifty allow two additional choices off-airport for travelers in selecting their rental car providers. The agreements with Enterprise and Thrifty expire as of November 30, 2001. This Supplemental Agreement will extend the agreements for one additional year.

Revenue to the WAA through September of this year paid by Enterprise and Thrifty is \$24,236.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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AIRPORT

CHANGE ORDER - FLIGHT/BAGGAGE INFORMATION SYSTEMS (F/BIFS) REPLACEMENT PROJECT.

Agenda Report No. 01-1322.

On June 5, 2001 the City Council authorized entering into a contract with ARINC to provide for the replacement of the F/BIDS in the Terminal Building. During design/installation it has been determined that the existing electronic signs are not compatible with the new hardware and software. It has also been determined that additional millwork and cabling would be necessary.

A Change Order has been prepared that authorizes the additional work.

The total cost of the additional work is \$23,357.00 and will be funded with Passenger Facility Charges. The current budget is sufficient to cover this expense.

The Law Department will approve the Change Order as to legal form. The Change Order amount is within the 25% of Contract cost limit set by the City Council.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

ASSIGNMENT OF EAC AEROSPACE CORPORATION (F/K/A EAC ACQUISITION CORPORATION) LEASES TO WICHITA AIRPORT FACILITIES, INC. AND RELATED ASSUMPTION OF BOND GUARANTEE.

Agenda Report No. 01-1323.

EAC Aerospace Corporation ("EAC") is a full service Fixed Base Operator with its principal facilities located at the Wichita Mid-Continent Airport. EAC is the successor by transfer of the assets of Executive Aircraft Corporation, which company was released from its Airport Lease obligations and the related Bond obligations on March 22, 2000. EAC has proposed a corporate reorganization in which substantially all its real estate interests (and certain equipment) will be transferred to a group of investors organized as Wichita Airport Facilities, Inc. The new investor group is comprised of some (but not all) of the existing shareholders of EAC.

The assets to be transferred by EAC include four EAC leasehold interests in airport property previously assigned to EAC from predecessor tenants Air Capital Modification Center, Inc., Ryan Aviation Corporation and Yingling Aircraft, Inc. (the "Non-Bond Leases"), as well as two leasehold interests which secure certain Airport Facility Refunding Revenue Bonds, Series 1997 (Executive Aircraft Corporation) and Airport Facility Revenue Bonds, Series 1999 (Executive Aircraft Corporation) (the "Bond Leases"). Wichita Airport Facilities, Inc. has expressly assumed all the obligations of EAC under all the Leases and has assumed the obligation of EAC to pay the Bonds. The Assignment of the Leases requires the express consent of the Airport Authority, as Landlord. INTRUST Bank, N.A., as trustee on the bond issues, must also consent to the Assignment of Bond Leases and the assumption of the Bond obligations by the new owner. EAC has not requested a release from its obligations under the Leases or on the Bonds.

The effect of the Assignment of Leases and Assumption of Guaranty will be to make Wichita Airport Facilities, Inc. obligated to pay rent and make payments on the Bonds. EAC will not be released from its continuing obligations under the Leases and with respect to the Bonds by virtue of the assumption by Wichita Airport Facilities, Inc.

The approval documents were prepared by the Law Firm of Triplett, Woolf & Garretson, L.L.C., as special counsel to Wichita Airport Facilities, Inc. The City Attorney's office has reviewed and approved the form of the documents.

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Motion --
-- carried

Knight moved that Assignment of Leases be consented to; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. A 01-012

A Resolution of the Wichita Airport Authority of the City of Wichita, Kansas, consenting to the assignment of certain Airport Facility Leases from EAC Aerospace Corporation F/K/A ECA Acquisition Corporation to Wichita Airport Facilities, Inc.; authorizing the execution and delivery of an acknowledgment, acceptance and consent to assignment of leases by and between EAC Aerospace Corporation, Wichita Airport Facilities, Inc. and Intrust Bank, N.A., as Trustee; and approving a form of assumption of guaranty by and between Wichita Airport Facilities, Inc. and Intrust Bank, N.A. for the benefit of the owners of certain Airport Facility Revenue Bonds, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. A 01-014

A Resolution of the Wichita Airport Authority of the City of Wichita, Kansas, consenting to the assignment of certain Airport Facility Leases from EAC Aerospace Corporation F/K/A EAC Acquisition Corporation to Wichita Airport Facilities, Inc.; authorizing the execution and delivery of an acknowledgment, acceptance and consent to assignment of leases by and between Executive Aircraft Corporation and EAC Acquisition Corporation, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

AIRPORT

AIRPORT SECURITY.

Agenda Report No. 01-1324.

The terrorist attacks of September 11th immediately put the aviation system on high alert. Actions had to be taken immediately to comply with Federal Aviation Administration (FAA) mandates in order to keep the Mid-Continent Airport operating for the community. The mandated requirements have been modified several times over the past two months. Although the specific requirements are not yet stable, it is assured that a heightened security level is for the long term.

The majority of the immediate heightened security costs are for staffing. The needs have been met by using overtime hours of the staffs of the Airport Public Safety division and the Wichita Police Department. City staff assigned to the Airport are working with Personnel to develop a long-term solution to staffing requirements that become permanent. In addition to staffing requirements, certain other measures must be taken to meet the FAA requirements and provide public safety. These capital items may include the acquisition of permanent guard shacks, a substance analysis kit, body armor, terminal building blast effects analysis, hand held radios, a patrol vehicle, a fingerprinting system and building expansion to accommodate additional equipment and training. It is necessary to move forward with the AIP compliant procurement of the fingerprinting system in order to accommodate a mandate for criminal background checks on persons needing to obtain badges to certain secured areas.

The estimated cost of the unbudgeted overtime payroll during 2001 is \$270,000. If the posts to which the National Guard are assigned changes, an additional cost of \$60,000 is possible. Other expenditures for items such as contractual security services and communication equipment can be funded within the current budget with the appropriate budget transfers. Reimbursement funding for operating costs will be sought from federal sources that become available. The capital items are estimated to cost \$1.6 million. Certain capital items will be paid with airport revenue and reimbursed with federal funds. The estimated budget for the fingerprinting system is \$75,000.

The Airport budget is not certified by State Statutes.

Motion --
-- carried

Knight moved that the budget be approved; the current CIP to include the security project be amended; and the necessary signatures be authorized. Motion carried 7 to 0.

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AIRPORT

STREET SIDE PARKING FOR SHORT TERM PARKING LOT REHABILITATION.

Agenda Report No. 01-1325.

The 2001 Capital Improvements Program (CIP) provides for Street Side Pavement rehabilitation.

The short-term public parking lot is in need of rehabilitation is needed. Deteriorating sidewalks and crosswalks are potential safety hazard and need repaired.

The project is estimated to cost \$200,000, which will be funded with General Obligation Bonds paid by Airport revenues.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. A 01-013

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvement to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, introduced and under the rules laid over.

AIRPORT

SURFACE MOVEMENT GUIDANCE CONTROL SYSTEM (SMGCS).

Agenda Report No. 01-1326.

The Mid-Continent Airport SMGCS plan requires guard lights to be installed at all entrances to Runway 1L/19R for the purpose of enhanced visibility of the runway holding positions.

Due to long lead times and adjustments made for operation and equipment, additional construction time has been spent on this project. Additional construction related services from Professional Engineering Consultants are necessary to complete the project, as the FAA requires.

The project is being funded with an approved FAA grant and Passenger Facility Charges. In order to reflect the correct funding a transfer of budget between funding sources is necessary. The Supplemental Agreement cost is \$20,762 and is within the project budget.

The Supplemental Agreement has been approved by the FAA is being reviewed by the Law Department.

Motion --
-- carried

Knight moved that the Agreement and budget transfer be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(The City Council returned to take up time-certain Item No. 7; action is shown in Agenda order.)

EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice; preliminary discussions relating to the acquisition of real property for public purposes; and the City Council return to regular session no earlier than 11:00 a.m. Motion carried 7 to 0.

carried

RECESS

The City Council recessed at 10:32 a.m. and returned to regular session at 11:15 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:17 a.m.
Pat Burnett CMC
City Clerk